

Appendix C – Recommendations for Regulatory Changes

Use of Section 104 Enforcement Authority and Alternative Case Resolution – The Assistant Secretary should consider rulemaking to modify the provisions of 30 CFR Parts 100 and 104 to minimize the effect of the more subjective gravity and negligence determinations on penalty proposals and pattern of violation determinations, without reducing incentive for operators to comply with standards and regulations.

The Assistant Secretary should consider rulemaking to modify the provisions of 30 CFR Part 100 to provide for increased penalties for the failure of mine operators to report accidents, injuries, and illnesses under the provisions of 30 CFR Part 50.

30 CFR 48.3(h) and 48.23(h) – The Assistant Secretary should consider rulemaking that requires instructor applicants to attend a three-day instructor work shop prior to obtaining approval and requires approved instructors to attend an eight-hour instructor workshop every 3 years thereafter in order to maintain their status as approved instructors under Part 48.

30 CFR Part 70 Respirable Coal Mine Dust – The Assistant Secretary should continue to explore the use available technologies, such as the Personal Dust Monitor (PDM), as part of MSHA’s comprehensive strategy for reducing miners’ exposure to respirable coal mine dust. If appropriate, regulations should be considered to require mine operators to use the PDM to ensure the health of miners is not compromised due to exposures to dangerous levels of respirable coal mine dust.

30 CFR 75.320 – The Assistant Secretary should consider rulemaking to require a record of the calibration of air quality detectors and measurement devices to be made by the person conducting the calibration by the end of the shift when the calibration was conducted and countersigned by the mine foreman or equivalent mine official.

30 CFR 75.325(c)(1) – The Assistant Secretary should consider rulemaking to state that the quantity of air shall be at least 75,000 cubic feet per minute reaching the working face of each longwall. Progressive increases in the minimum quantity should be established according to the mine methane liberation rate or established schedule for spot inspections at 103(i) mines, such as 15, 10, and 5 day spots inspections. Respirable dust compliance is another factor to be consideration for increasing the intake air quantity. A quantity greater than 75,000 cubic feet per minute may be required to be specified in the approved ventilation plan. The following should be removed as part of the revised regulation: “unless the operator demonstrates that a lesser air quantity will maintain continual compliance with applicable methane and respirable dust standards.”

30 CFR 75.333(d) – The Assistant Secretary should consider rulemaking to require the use of equipment doors in lieu of permanent stoppings, or to control ventilation within an air course, be subject to approval in the mine ventilation plan. This regulation also should consider a provision which would require all equipment doors installed in travelways utilize an interlock system to ensure only one door can be opened at any time to maintain the separation of air courses.

30 CFR 75.342(a)(2) – The Assistant Secretary should consider rulemaking to require additional methane sensors to be installed along the longwall face and tied into an Atmosphere Monitoring System (AMS) for the mine. These sensors should be placed along the face at various distances and heights to aid in the detection of methane during normal mining and in the event of a methane inundation. These additional sensor locations should be approved by the District Manager in the mine ventilation plan.

30 CFR 75.342(a)(4)(ii) – The Assistant Secretary should consider rulemaking to require methane monitors be calibrated every seven days. In addition, calibration records shall be signed by a qualified electrician and countersigned by the Mine Foreman or equivalent official.

30 CFR 75.351 & 75.1103 – Combine the CO monitoring standards, automatic fire warning device standards (30 CFR 75.1103), and AMS (30 CFR 75.351) standards into a single standard.

30 CFR 75.351 – The Assistant Secretary should consider rulemaking to require an AMS to provide real-time monitoring of methane, carbon monoxide levels, airflow direction, and record quality and quantity of

air at specific points in the mine, such as where air reversals are likely to impact the overall ventilation system, outby loading points, where air courses split, and at certain intervals along the belt.

30 CFR 75.362(d)(iii) – The Assistant Secretary should consider rulemaking to require mining equipment operators to be provided with a multi-gas detector to conduct their required mine atmosphere examinations.

30 CFR 75.362(g)(2) – The Assistant Secretary should consider rulemaking to require that the results of the respirable dust control parameter examination be called out to the surface and recorded in the on-shift examination record book. The record should be countersigned by the mine foremen or equivalent official and mine superintendent or equivalent official.

30 CFR 75.360 - 75.364 – The Assistant Secretary should consider supplementing the present rule making, “Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards,” to include second-level countersigning of mine examinations records by a certified mine superintendent or equivalent mine official.

30 CFR 75.360 - 75.364 – The Assistant Secretary should continue the present rule making, “Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards,” to require the certified person conducting examinations to examine for violations of mandatory health or safety standards, as well as hazardous conditions, and record the violations and hazardous conditions observed by a certified mine examiner during the course of the examination in the mine examination record book.

30 CFR 75.360 - 364 – The Assistant Secretary should consider rulemaking to require the type and serial number of the multi-gas detectors used during the various mine examinations be recorded with the results of the examination in the record book.

In addition to the signature of the mine examiner, the name of the examiner should be printed legibly alongside the signature.

30 CFR 75.360 - 364 – The Assistant Secretary should consider supplementing the present rule making, “Examinations of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards,” to require federal certification requirements, procedures, and time limits for re-certification of certified persons (including mine superintendents).

The final rule should provide procedures and criteria for the revocation of certifications (decertification of certified persons) for certain violations, including knowing and willful violations, advance notice of inspections, making any false statement, and smoking or carrying smoking materials.

The rule making process should include collaboration with the state agencies were appropriate.

30 CFR 75.402 – The Assistant Secretary should consider rulemaking to revise 30 CFR 75.402 to require the use of:

- high-pressure rock-dusting machines to continuously apply rock dust into the air stream at the tailgate end of the longwall face whenever cutting coal;
- rock-dusting machines to regularly apply rock dust at the outby edges of active pillar lines on retreating continuous mining machine sections; and
- rock-dusting machines to regularly apply rock dust at approaches to other inaccessible areas downwind of coal dust-generating sources.

30 CFR 75.400 & 75.403 – The Assistant Secretary should consider rulemaking to require mine operators to regularly determine the adequacy of rock dusting using a method approved by the Secretary. This could be achieved by requiring mine operators to sample mine dust for analysis or conduct CDEM testing at sufficient locations and intervals to determine if any area of the mine needs re-dusting. The rule should consider requirements for certification, recordkeeping (including a map of sample locations), and corrective actions similar to examination standards.

30 CFR 75.403-1 – The Assistant Secretary should consider amending the Emergency Temporary Standard for 30 CFR 75.403 (Maintenance of incombustible content of rock dust) to exclude surface moisture from the definition of total incombustible content.

30 CFR 75.512 – The Assistant Secretary should consider rulemaking to require that the record of electrical equipment (examinations, testing and maintenance) shall be countersigned by the mine foreman or equivalent mine official.

30 CFR 75.512-2 – The Assistant Secretary should consider rulemaking to revise the regulation so that the examinations and tests required by 30 CFR 75.512 shall be made at least every 7 days rather than weekly to prevent the potential for as many as 12 days between examinations.

75.1714-7 (a) – The Assistant Secretary should consider rulemaking to require methane detectors to be in the on position whenever a person with the detector is underground.